

FEDERAL REGISTER



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TITLE 3—THE PRESIDENT

PROCLAMATION 2759

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: FINLAND

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92) by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Finland registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Finland accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after Sep-

tember 3, 1939, and before June 30, 1947, until and including June 30, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 5th day of December, in the year of our Lord nineteen hundred and [SEAL] forty-seven and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Dec. 47-10231; Filed, Dec. 8, 1947; 12:03 m.]

EXECUTIVE ORDER 9908

RESERVATION OF SOURCE MATERIAL IN CERTAIN LANDS OWNED BY THE UNITED STATES

By virtue of the authority vested in me as President of the United States, and in further effectuation of the policies declared by section 1 of the Atomic Energy Act of 1946 (60 Stat. 755), it is hereby ordered as follows:

1. So far as not in conflict with existing law, (a) all disposals of lands, other than public lands, heretofore or hereafter acquired by the United States or any instrumentality thereof, including lands in the Territories and possessions of the United States, except in conveyances where all minerals, including source material, are reserved to the United States, (b) all leases, permits, or other authorizations of whatever kind hereafter granted to remove minerals from such lands, and (c) all leases, permits, or other authorizations which otherwise would preclude the United States from exercising its right to enter upon the lands and prospect for, mine, and remove minerals, shall contain the following reservation:

"All uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be pecu-

(Continued on next page)

CONTENTS

THE PRESIDENT

Proclamation	Page
Finland; extension of time for renewing trade-mark registrations	8223

Executive Order	
Source material in certain lands owned by U. S., reservation	8223

EXECUTIVE AGENCIES

Agriculture Department	
Rules and regulations:	
Sugar; practice and procedure governing allotment of quotas or prorations	8225

Alien Property, Office of	
Notices:	
Vesting orders, etc..	
Cook, Christine	8223
Dieterich, Luise Emilie	8226
Greenwald, Valentine	8226
Grodewald, Henry C.	8237
Herrmann, Flora Richard	8237
Knoll A. G., Chemische Fabrik	8230
Schilling, Walter, et al.	8237

Civil Aeronautics Board	
Notices:	
Caribbean-Atlantic Airlines Inc., hearing	8231

Federal Power Commission	
Notices:	
Hearings, etc..	
Highland Mary Mines, Inc.	8231
Montana Power Co.	8231
Sinclair Prairie Oil Co.	8231
Telluride Power Co.	8231
Texas Eastern Transmission Corp.	8231

Federal Trade Commission	
Rules and regulations:	
Cease and desist order; Farmers' Mail Order House	8223

Interior Department	
See also Reclamation Bureau.	
Rules and regulations:	
Delegations of authority:	
Bureau of Reclamation	8223
Determinations with respect to deposits of fissionable materials	8230



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CONTENTS—Continued

Internal Revenue Bureau	Page
Rules and regulations:	
Income tax, taxable years beginning after Dec. 31, 1941, gross income of certain insurance companies.....	8229
International Trade, Office of	
Rules and regulations:	
Prohibited exportations.....	8229

CONTENTS—Continued

Interstate Commerce Commission	Page
Notices:	
Reconsignment:	
Lettuce at Chicago, Ill.....	8231
Potatoes at Chicago, Ill.....	8232
Tomatoes at Philadelphia, Pa.	8232
Steel, unloading at Columbia, S. C.....	8232
Patent Office	
Rules and regulations:	
Finland; extension of time for renewing trade-mark registrations.....	8229
Reclamation Bureau	
Rules and regulations:	
Organization and procedure; delegation of authority.....	8230
Securities and Exchange Commission	
Notices:	
Hearings, etc..	
Cambridge Electric Light Co. et al.....	8234
Central Maine Power Co.....	8233
Commonwealth & Southern Corp.....	8233
General Public Utilities Corp.....	8235
Milwaukee Solvay Coke Co.....	8235
Narragansett Electric Co.....	8235
Republic Pictures Corp.....	8232
Twentieth Century-Fox Film Corp.....	8233
United Gas Improvement Co.....	8234
Wage and Hour Division	
Notices:	
Handicapped clients employment certificates; issuance to sheltered workshops (2 documents).....	8230
Mandrels, Inc., and Laminite Products, Canton Ohio; granting of exception from certain record-keeping requirements of Fair Labor Standards Act.....	8231

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

Title 3—The President	Page
Chapter I—Proclamations:	
2759.....	8223
Chapter II—Executive orders:	
9701 ¹	8223
9908.....	8223
Title 7—Agriculture	
Chapter VIII—Production and Marketing Administration (Sugar Branch)	
Part 801—General sugar regulations.....	8225
Title 16—Commercial Practices	
Chapter I—Federal Trade Commission:	
Part 3—Digest of cease and desist orders.....	8228

¹E. O. 9908.

CODIFICATION GUIDE—Con.

Title 26—Internal Revenue	Page
Chapter I—Bureau of Internal Revenue, Department of the Treasury:	
Part 29—Income tax; taxable years beginning after December 31, 1941.....	8229
Title 32—National Defense	
Chapter VIII—Office of International Trade, Department of Commerce:	
Part 801—General regulations.....	8229
Title 37—Patents, Trade-Marks and Copyrights	
Chapter I—Patent Office, Department of Commerce:	
Part 100—Rules of practice in trade-mark cases.....	8229
Title 43—Public Lands: Interior	
Subtitle A—Office of the Secretary of the Interior:	
Part 4—Delegations of authority (2 documents).....	8229, 8230
Chapter II—Bureau of Reclamation, Department of the Interior:	
Part 400—Organization and procedure.....	8230

liarily essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this instrument are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. However, such land may be used, and any rights otherwise acquired by this disposition may be exercised, as if no reservation of such materials had been made; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under the Atomic Energy Act of 1946, as it now exists or may hereafter be amended, such material shall be the property of the United States Atomic Energy Commission, and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation hereby made shall be of no further force or effect."

2. The reservation required by paragraph 1 above need not be included in any disposition of land which is not in excess of one acre and which is devoted primarily to a residential use.

3. Executive Order No. 9701 of March 4, 1946, entitled "Providing for the Reservation of Rights to Fissionable Materials in Lands Owned by the United States" is hereby revoked; but such revocation shall not be construed to affect the revocation of Executive Order No. 9613 made by Executive Order No. 9701 or the provisions contained therein with respect to the lands released from withdrawal by the revocation of Executive Order No. 9613.

HARRY S. TRUMAN

THE WHITE HOUSE,

December 5, 1947.

[F. R. Doc. 47-10878; Filed, Dec. 8, 1947; 10:59 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 801—GENERAL SUGAR REGULATIONS

PRACTICE AND PROCEDURE GOVERNING ALLOTMENT OF SUGAR QUOTAS OR PRORATIONS THEREOF

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, as amended (50 Stat. 903; 7 U. S. C. 1100) and the Administrative Procedure Act (60 Stat. 237) these regulations are hereby made, prescribed, and published, to be in force and effect until amended or superseded by regulations hereafter made.

Sec.

- 801.20 Definitions.
- 801.21 Petitions for institution of proceedings.
- 801.22 Institution of proceedings.
- 801.23 Notice of hearing.
- 801.24 Docket number.
- 801.25 Presiding officer.
- 801.26 Motions and requests.
- 801.27 Conduct of the hearing.
- 801.28 Arguments and proposed findings and conclusions.
- 801.29 Certification of the transcript.
- 801.30 Copies of the transcript.
- 801.31 Administrator's recommended decision.
- 801.32 Submission to Secretary.
- 801.33 Decision by Secretary.
- 801.34 Hearing before Secretary.
- 801.35 Final allotment order.
- 801.36 Filing; extension of time; effective date of filing; and computation of time.
- 801.37 Discussion of issues, etc., of proceeding prohibited.
- 801.38 Revision or amendment of existing allotment orders.
- 801.39 Rescission of prior regulations.

AUTHORITY: §§ 801.20 to 801.39, inclusive, issued under 50 Stat. 903, 906, 915, 60 Stat. 237; 7 U. S. C. 1100, 1115, 1174, 5 U. S. C. Sup. 1001 et seq.

§ 801.20 *Definitions.* As used in the regulations in this part:

(a) The term "act" means the Sugar Act of 1937 (50 Stat. 903; 7 U. S. C. 1100) as amended, extended and reenacted, particularly by the Sugar Act of 1948 (Pub. Law 383, 80th Cong.).

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead.

(d) The term "Administrator" means the Administrator of the Production and Marketing Administration of the Department.

(e) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(f) The term "proceeding" means a quota allotment proceeding before the Secretary, arising under section 205 of the act.

(g) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(h) The term "presiding officer" means the examiner conducting a proceeding under the act.

(i) The term "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D. C.

(j) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

§ 801.21 *Petitions for institution of proceedings.* Any interested person may petition the Secretary in writing for the issuance, amendment, or repeal of an order allotting a sugar quota or proration thereof. Such petition shall be filed with the Administrator and shall be accompanied by a written statement, in quadruplicate, setting forth the facts and reasons in support thereof. Upon receipt of such petition, the Administrator shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If, after such investigation and consideration, the Administrator concludes that such petition should be denied, he shall give prompt notice of such denial, which shall be accompanied by a brief, simple statement of the reasons for such denial. If, after such investigation and consideration, the Administrator concludes that some action should be taken, he shall recommend that the Secretary institute proceedings under § 801.22.

§ 801.22 *Institution of proceedings.* Whenever, pursuant to a petition filed under § 801.21 or on his own initiative, the Secretary finds that the allotment of any quota or proration thereof is necessary to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, or to prevent disorderly marketing or importation of sugar or liquid sugar, or to afford all interested persons an equitable opportunity to market sugar or liquid sugar, he shall institute a quota allotment proceeding. Such a proceeding will be instituted only upon a notice of hearing issued by the Secretary.

§ 801.23 *Notice of hearing—(a) Filing and giving notice.* (1) Upon the issuance of a notice of hearing by the Secretary, it shall be filed with the Hearing Clerk, who shall promptly mail a true copy thereof to each of the persons known to be interested in the proceeding. The Hearing Clerk shall give or cause to be given further notice of the hearing in the following manner:

(1) By publication of such notice in the FEDERAL REGISTER; and

(2) By issuing a press release containing the complete text or a summary of the contents of such notice.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided in subparagraph (1) (1) of this paragraph; and failure to give notice in the manner otherwise provided in subparagraph (1) of this paragraph shall not affect the legality of the notice.

(b) *Proof of mailing or of giving notice.* Proof of the mailing of the notice of hearing or of other means of giving notice shall be by affidavit or certificate of the person mailing or giving the same. Such affidavit or certificate shall be filed with the Hearing Clerk and the filing thereof shall be noted on the docket of the proceeding.

(c) *Contents.* The notice of the hearing shall contain a reference to the authority under which the allotment of the quota is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed allotment or a description of the subjects and issues involved; and shall state the time and place of such hearing and the place where copies of any proposed method of allotment may be obtained or examined. The time of the hearing shall not be less than ten days after the date of publication of the notice in the FEDERAL REGISTER, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances.

§ 801.24 *Docket number.* Each proceeding, immediately following its institution, shall be assigned a docket number by the Hearing Clerk, and thereafter the proceeding shall be referred to by such number.

§ 801.25 *Presiding officer—(a) Assignment.* No presiding officer who has any pecuniary interest in the outcome of a proceeding shall serve as a presiding officer in such proceeding.

(b) *Powers.* Subject to review by the Secretary, as provided elsewhere in this part, the presiding officer shall have power to:

- (1) Rule upon motions and requests;
- (2) Change the time and place of hearing, and adjourn the hearing from time to time or from place to place;
- (3) Administer oaths and affirmations and take affidavits;
- (4) Examine and cross-examine witnesses and receive evidence;
- (5) Admit or exclude evidence;
- (6) Hear oral argument on facts or law;
- (7) Hold conferences for the simplification of the issues by consent of the parties;

(8) Do all acts and take all measures necessary for the maintenance of order and the efficient conduct of the proceeding.

(c) *Who may act in absence of presiding officer* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(d) *Disqualification of presiding officer* The presiding officer may, at any time, withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 801.26 *Motions and requests*—(a) *General.* All motions and requests shall be filed with the Hearing Clerk, except that those made during the course of the hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript.

Except as provided in § 801.36, such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 801.29, or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The presiding officer may, in his discretion, submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

§ 801.27 *Conduct of the hearing*—(a) *Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer shall have changed the time or place, in which event the presiding officer shall file with the Hearing Clerk a notice of such change, which notice shall be mailed and published in the same manner as hereinbefore provided in § 801.23 (a) (relating to the mailing and the publication of the notice of hearing) *Provided*, That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the presiding officer, either in addition to or in lieu of causing the notice of the change to be given as aforesaid, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances*—(1) *Representation*—(i) *Department.* The Department shall be represented at the hearing by the Director of the Sugar Branch, Production and Marketing Administration, or such employee of that Branch as the Director may designate, who shall be heard with respect to matters relevant and material to the proceeding.

(ii) *Interested persons.* At the hearing, any interested person shall be given an opportunity to appear, either in per-

son or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under the regulations in this part shall file with the presiding officer a written appearance, setting forth his name, address, and occupation. If such person desires to be heard through his counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding officer may request.

(2) *Debarment of counsel or representative.* Whenever, while a proceeding is pending before him, the presiding officer finds that a person, acting as counsel or representative for any interested person participating in the proceeding, is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided*, That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or other representative.

In case the presiding officer has ordered that a person be precluded from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding. Failure to appear at a hearing shall not be deemed to be a waiver of the right of any interested person otherwise to participate in the proceeding.

(c) *Order of procedure.* At the beginning of the hearing, the presiding officer shall have noted on the record his designation as presiding officer and the notice of the hearing as filed with the Division of the Federal Register. This shall be done by filing as an exhibit for the record a copy of the FEDERAL REGISTER containing such designation and such notice. If the designation has not been published in the FEDERAL REGISTER, the presiding officer shall file as an ex-

hibit a copy of the order of the Secretary designating him to preside.

Evidence shall then be received with respect to the matters specified in the notice of hearing. Unless the presiding officer determines otherwise, the representative of the Department shall proceed first at the hearing. Such representative shall submit for the record such data and other information available to the Department which he deems relevant and material to the subjects and issues involved in the proceeding. The representative of the Department shall, unless he states for the record that he deems such action impractical, unnecessary, or contrary to the public interest, also present a proposed method or methods of allotment, together with a statement of the facts and reasons in support thereof.

(d) *Evidence*—(1) *In general.* The hearing shall be publicly conducted and the testimony given at the hearing shall be reported verbatim. Every witness shall, before proceeding to testify, be sworn or make affirmation. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. When necessary in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to the same matter, or the amount of corroborative or accumulative evidence. The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a person objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having the legal custody thereof and accompanied by a certification that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits

shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer, after inquiry relating to the identification of such statute, report or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided*, That the interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the person offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

§ 801.28 *Arguments and proposed findings and conclusions—(a) Oral argument before presiding officer.* Oral argument before the presiding officer shall be in the discretion of the presiding officer. Such argument when permitted may be limited by the presiding officer to an extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made a part of the transcript.

(b) *Briefs, proposed findings, and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested

persons may file with the Hearing Clerk written arguments or briefs, and proposed findings and conclusions, based upon the evidence received at the hearing, citing, where practicable, page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and in any case shall not be considered in the formulation of the allotment order. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the presiding officer, as hereinbefore provided in § 801.27 (d) he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

§ 801.29 *Certification of the transcript.* The presiding officer shall notify the Hearing Clerk of the close of the hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the Hearing Clerk with such other information as may be necessary. As soon as possible after the hearing, the presiding officer shall transmit to the Hearing Clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the Hearing Clerk. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify and that the exhibits transmitted are all of the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate, the Hearing Clerk shall note upon each copy of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the presiding officer.

§ 801.30 *Copies of the transcript.* A copy of the transcript shall be kept on file in the office of the Hearing Clerk where it shall be available for examination during official hours of business but such copy shall remain the property of the Department and may not be removed from said office. If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 801.31 *Administrator's recommended decision—(a) Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions, the Administrator shall file with the Hearing Clerk a recommended decision.

(b) *Contents.* The Administrator's recommended decision shall include (1) a preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor; (2) a ruling upon each proposed finding or conclusion submitted by interested persons; and (3) an appropriate proposed allotment order.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision, the Administrator shall give notice thereof, and opportunity to file exceptions thereto, to all interested persons in the same manner as hereinbefore provided in § 801.23 (a) (relating to the giving of notice of the hearing). Within a period of time specified in such notice (to be fixed by the Administrator but not to exceed ten days) after the filing of the recommended decision with the Hearing Clerk, any interested person may then file with the Hearing Clerk exceptions to the Administrator's proposed allotment order and supporting reasons for such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript, and may suggest appropriate changes in the proposed allotment order.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

§ 801.32 *Submission to Secretary.* Upon the expiration of the period allowed for filing exceptions to the recommended decision, or upon request of the Secretary, the Hearing Clerk shall transmit to the Secretary the record of the proceeding. Such record shall include (a) all motions and requests filed with the Hearing Clerk and rulings thereon; (b) the certified transcript; (c) any proposed findings or conclusions or written arguments or briefs that may have been filed; and (d) the Administrator's recommended decision, if any, and such exceptions thereto as may have been filed.

§ 801.33 *Decision by Secretary.* After due consideration of the entire record of the proceeding, the Secretary shall render a decision. Such decision shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing, and shall include (a) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; (b) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record; (c) a ruling upon each exception filed by interested persons; and (d) a final allotment order.

§ 801.34 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding. When he so acts the Hearing Clerk shall transmit the record to the

Secretary at the expiration of the period provided for the filing of written arguments or briefs and proposed findings and conclusions, and the Secretary shall thereupon, after due consideration of the entire record, issue his final decision in the proceeding: *Provided*, That he may issue a tentative decision, in which event the parties shall be afforded an opportunity to file exceptions and supporting reasons therefor before the issuance of the final decision.

§ 801.35 *Final allotment order*—(a) *Effective date*. No allotment order shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary, upon good cause found and published with the order, fixes an earlier effective date therefor.

(b) *Notice of issuance*. After issuance of an allotment order, such order shall be filed with the Hearing Clerk and notice thereof, together with notice of the effective date, shall be given in the same manner as hereinbefore provided in § 801.23 (a) (relating to the giving of notice of hearing)

§ 801.36 *Filing; extension of time; effective date of filing; and computation of time*—(a) *Filing; number of copies*. Except as provided otherwise herein, all documents or papers required or authorized by the foregoing provisions of this part to be filed with the Hearing Clerk shall be filed in quadruplicate. Any document or paper, so required or authorized to be filed with the Hearing Clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Extensions of time*. The time for the filing of any document or paper required or authorized by the foregoing provisions of this part to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Administrator (after the record is so certified by the presiding officer but before it is transmitted to the Secretary) or by the Secretary (after the record is transmitted to the Secretary) upon request filed, and if, in the judgment of the presiding officer, Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the Hearing Clerk.

(c) *Effective date of filing*. Any document or paper required or authorized by the foregoing provisions of this part to be filed shall be deemed to be filed when it is postmarked or when it is received by the Hearing Clerk.

(d) *Computation of time*. Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided*, That when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

§ 801.37 *Discussion of issues, etc., of proceeding prohibited*. Except as may be provided otherwise in this part, no officer or employee of the Department shall, following the close of the hearing in a proceeding and prior to the issuance

of the final order therein, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such persons: *Provided*, That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of section 1544 of the publication entitled "Regulations of the U. S. Department of Agriculture," the provisions of this section shall prevail.

§ 801.38 *Revision or amendment of existing allotment orders*. The provisions of this part shall be applicable to a proceeding for the purpose of revising or amending any existing allotment order.

§ 801.39 *Rescission of prior regulations*. The regulations in this part shall supersede General Sugar Regulations, Series 2, Number 2, Revised, issued February 3, 1939 (7 CFR 801.20-801.33)

Done at Washington, D. C., this 4th day of December 1947.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10775; Filed, Dec. 8, 1947; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5461]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FARMERS' MAIL ORDER HOUSE

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods*: § 3.6 (i) *Advertising falsely or misleadingly—Free goods or service*: § 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.*: § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service*: § 3.6 (dd) *Advertising falsely or misleadingly—Special or limited offers*: § 3.69 (b) *Misrepresenting oneself and goods—Goods—Old, secondhand, reclaimed or reconstructed as new*: § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old, used, reclaimed or reused as unused or new*: § 3.72 (e) *Offering deceptive inducements to purchase or deal—Free goods*: § 3.72 (n) *Offering deceptive inducements to purchase or deal—Special offers, savings and discounts*. In connection with the offering for sale, sale, and distribution of wearing apparel and other merchandise in commerce, (1) representing, directly or by implication, that an offer of merchandise which may be purchased repeatedly by the same person, at the price specified in such of-

fer, is an introductory offer; (2) using the word "free" or any other word or term of similar import or meaning, to designate, describe, or refer to any article the cost of which is included in the purchase price of other merchandise with which such article is offered; (3) representing, directly or by implication, that any raincoat which is not in fact waterproof is waterproof; (4) representing, directly or by implication, that any garment or fabric which is not composed wholly of wool is wool; that any garment or fabric which is not composed wholly of linen is linen; or otherwise misrepresenting the fiber content of any garment or fabric; or, (5) representing that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failing to stamp on the exposed surface of the sweat bands thereof in legible and conspicuous terms which cannot be removed or obliterated without mutilating the sweat bands a statement that such products are composed of second-hand or used material (e. g., "second-hand," "used," or "made-over"), prohibited, subject to the provision, however, as respects said last prohibition, that if sweat bands are not affixed to such hats, then such stamping must appear on the exposed surface of the inside of the body of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Farmers' Mail Order House, Docket 5461, November 3, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of November A. D. 1947.

In the Matter of Joe Wlodinger, Cella Wlodinger and Harriet Wlodinger, Individually and as Copartners Trading as Farmers' Mail Order House

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, a stipulation entered into upon the record and certain exhibits introduced in evidence at a hearing before an examiner of the Commission theretofore duly designated by it, and the recommended decision of the trial examiner, said stipulation providing, among other things, that without further evidence or other intervening procedure the Commission may make its findings as to the facts and conclusion based thereon and enter its order disposing of this proceeding, and the Commission having made its findings as to the facts and its conclusion that respondents Joe Wlodinger and Cella Wlodinger have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Joe Wlodinger and Cella Wlodinger, jointly or severally, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of wearing apparel and other merchandise in commerce, as "commerce" is defined in the Federal

Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that an offer of merchandise which may be purchased repeatedly by the same person, at the price specified in such offer, is an introductory offer.

2. Using the word "free," or any other word or term of similar import or meaning, to designate, describe, or refer to any article the cost of which is included in the purchase price of other merchandise with which such article is offered.

3. Representing, directly or by implication, that any raincoat which is not in fact waterproof is waterproof.

4. Representing, directly or by implication, that any garment or fabric which is not composed wholly of wool, is wool; that any garment or fabric which is not composed wholly of linen is linen; or otherwise misrepresenting the fiber content of any garment or fabric.

5. Representing that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failing to stamp on the exposed surface of the sweat bands thereof in legible and conspicuous terms which cannot be removed or obliterated without mutilating the sweat bands a statement that such products are composed of second-hand or used material (e. g., "second-hand," "used," or "made-over") provided that if sweat bands are not affixed to such hats, then such stamping must appear on the exposed surface of the inside of the body of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Harriet Wlodinger.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-10763; Filed, Dec. 8, 1947;
8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes [T. D. 5593]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

GROSS INCOME OF INSURANCE COMPANIES OTHER THAN LIFE OR MUTUAL AND MUTUAL MARINE INSURANCE COMPANIES AND MUTUAL FIRE INSURANCE COMPANIES ISSUING PERPETUAL POLICIES

On March 12, 1947, notice of proposed rule making relating to the gross income of certain insurance companies was pub-

lished in the FEDERAL REGISTER (12 F. R. 1688). After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendment to Regulations 111 (26 CFR, Part 29) is hereby adopted.

Section 29.204-2, as amended by Treasury Decision 5387, approved July 1, 1944 (26 CFR 29.204-2), is further amended by adding at the end thereof a new paragraph to read as follows:

§ 29.204-2 Gross income. * * *

For taxable years beginning after December 31, 1946, that part of the deduction for "losses incurred" which represents an adjustment to "losses paid" for "salvage and reinsurance recoverable" shall, except as hereinafter provided, include all salvage in course of liquidation, and all reinsurance in process of collection not otherwise taken into account as a reduction of "losses paid" outstanding at the end of the taxable year. Salvage in course of liquidation includes all property (other than cash) real or personal, tangible or intangible, except that which may not be included by reason of express statutory provisions (or rules and regulations of an insurance department) of any State or Territory or the District of Columbia in which the company transacts business. Such salvage in course of liquidation shall be taken into account to the extent of the value thereof at the end of the taxable year as determined from a fair and reasonable estimate based upon either the facts in each case or the company's experience with similar cases. Cash received during the taxable year with respect to items of salvage or reinsurance shall be taken into account in computing losses paid during such taxable year. To the extent attributable to losses paid prior to January 1, 1947, salvage and reinsurance shall be accounted for in accordance with the practice of the company as reflected in its income tax return for the year 1946.

(Secs. 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791))

This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: December 2, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-10780; Filed, Dec. 8, 1947;
8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 378]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

The dollar value limits in the column headed "GLV Dollar Value Limits" set forth opposite each of the commodities listed below are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	GLV dollar value limits country group	
		K	E
	Industrial chemicals:		
836910	Chromic acid	25	25
837400	Potassium dichromate and chromate	25	25
838900	Potassium chlorate and mixtures	100	25
832900	Potassium perchlorate and mixtures	100	25
836800	Sodium dichromate and chromate	100	25
837500	Sodium nitrate	100	25
837600	Chromium salts and compounds (except chemical pigments)	100	25
842900	Pigments, paints, and varnishes: Chrome pigments containing 19 percent or more chromium, except lead-free chrome pigments	100	25

This amendment shall become effective immediately.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: December 2, 1947.

FRANCIS MCINTYRE,
Director,
Export Supply Branch.

[F. R. Doc. 47-10771; Filed, Dec. 8, 1947;
8:47 a. m.]

TITLE 37 — PATENTS, TRADE-MARKS AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 100—RULES OF PRACTICE IN TRADE-MARK CASES

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: FINLAND

CROSS REFERENCE: For the granting of extension of time for renewing trademark registrations of the type noted in § 100.352, to Finland, see Proclamation 2759 under Title 3, *supra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2376]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF RECLAMATION

1. Paragraph (a) (2) of § 4.412, authorizing the Commissioner of Reclama-

tion to contract for the relocation of properties, etc. (Order 2018; 10 F. R. 259; 43 CFR, 1946 Supp., 4.412) is hereby revised to read as follows:

§ 4.412 *Delegation of authority with respect to investigation, construction and operation of Federal Reclamation Projects.* (a) * * *

(2) In any case where the expenditure of funds by the United States is estimated not to exceed \$100,000 to contract (i) for the relocation of properties; (ii) for the right to construct project facilities across private property, including the property of States and political subdivisions thereof; (iii) for the exchange or replacement of water and water rights; or (iv) for the adjustment of water rights; and in connection therewith to execute in the name

of the Secretary, all necessary grants or conveyances, but any grant or conveyance involving withdrawn public lands shall be executed only with the concurrence of the Director of the Bureau of Land Management. In the event the authority under this subparagraph is exercised by other than the Commissioner of Reclamation, all such grants or conveyances shall be on forms approved by the Commissioner.

2. Order No. 2298, dated February 17, 1947, is hereby superseded.

(55 Stat. 842; 16 U. S. C. Sup. 5902-11)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior

NOVEMBER 24, 1947.

[F. R. Doc. 47-10798; Filed, Dec. 8, 1947;
8:51 a. m.]

PART 4—DELEGATIONS OF AUTHORITY

DETERMINATIONS WITH RESPECT TO DEPOSITS OF FISSIONABLE MATERIALS

CROSS REFERENCE: For revocation of Executive Order 9701, noted in § 4.621, see Executive Order 9908 under Title 3, *supra*.

Chapter II—Bureau of Reclamation, Department of the Interior

PART 400—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 400.40 to 400.47, inclusive, see Part 4 under Subtitle A of this title, *supra*, concerning delegation of authority with respect to investigation, construction and operation of Federal Reclamation Projects.

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

HANDICAPPED CLIENTS EMPLOYMENT CERTIFICATES

ISSUANCE TO SHELTERED WORKSHOPS

Notice of issuance of special certificate for the employment of handicapped clients by sheltered workshop under the Fair Labor Standards Act of 1938, as amended, and the Walsh-Healey Public Contracts Act, as amended.

Notice is hereby given that a Special Certificate authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act has been issued to the sheltered workshop hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556) and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The name and address of the sheltered workshop to which a certificate was issued, wage rate, and the effective and expiration dates of the certificate are as follows:

Little Rock Goodwill Industries, Inc., 1201 West Seventh Street, Little Rock, Arkansas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher; certificate is effective December 1, 1947, and expires November 30, 1948.

The employment of handicapped clients in the above-mentioned sheltered

workshop under this certificate is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. This certificate has been issued on the applicant's representation that it is a sheltered workshop as defined in the regulations and that special services are provided its handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

This certificate may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of this certificate may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 25th day of November 1947.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 47-10787; Filed, Dec. 8, 1947;
8:46 a. m.]

HANDICAPPED CLIENTS EMPLOYMENT CERTIFICATES

ISSUANCE TO SHELTERED WORKSHOPS

Notice of issuance of special certificates for the employment of handicapped clients by sheltered workshops under the Fair Labor Standards Act of 1938, as amended, and the Walsh-Healey Public Contracts Act, as amended.

Notice is hereby given that special certificates authorizing the employment

of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

The Bridgeport Rehabilitation Center, Inc., 326 Hollister Avenue, Bridgeport 7, Connecticut; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher; certificate is effective December 1, 1947, and expires May 31, 1948.

Industrial Home for the Blind, 520 Gates Avenue, Brooklyn, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective December 1, 1947, and expires May 31, 1948.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates are limited to the terms and conditions therein contained and are subject to the provisions of Part 525 of the regulations. These certificates have been issued on

the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of either of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 28th day of November 1947.

RAYMOND G. GARCEAU,
Director
Field Operations Branch.

[F. R. Doc. 47-10778; Filed, Dec. 8, 1947;
8:48 a. m.]

MANDRELS, INC., AND LAMINITE PRODUCTS
NOTICE OF GRANTING OF EXCEPTION FROM
CERTAIN RECORD-KEEPING REQUIREMENTS
OF FAIR LABOR STANDARDS ACT OF 1938 AND
REGULATIONS ISSUED THEREUNDER

Pursuant to section 11 (c) of the Fair Labor Standards Act of 1938 and § 516.18 of the record-keeping regulations, Part 516, as amended, notice is hereby given of the granting of an exception to Mandrels, Inc., Canton, Ohio, and Laminite Products, Canton, Ohio, both concerns having ceased operation, from the necessity of preserving original time cards, work sheets, piece-rate tickets, order, shipping and billing records, and similar basic records covering the period prior to December 31, 1946, as required by § 516.15 of the regulations.

This exception is granted subject to the condition that the above-named companies maintain and preserve for a period of 4 years, as required by § 516.14 of the regulations, records containing the information required under any of the applicable §§ 516.2 through 516.13 of the regulations, except the record of the number of hours worked each day by the employee.

Signed at Washington, D. C. this 28th day of November 1947.

Wm. R. McComb,
Administrator
Wage and Hour Division.

[F. R. Doc. 47-10783; Filed, Dec. 8, 1947;
8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2210]

CARIBBEAN-ATLANTIC AIRLINES, INC.
NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft,
No. 239—2

the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on December 12, 1947, at 10:00 a. m., eastern standard time, in Room 5042, Commerce Building, 14th Street and Constitution Ave., N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., December 4, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-10707; Filed, Dec. 8, 1947;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1931]

HIGHLAND MARY MINES, INC.

NOTICE OF APPLICATION FOR EXTENSION OF
TIME

DECEMBER 3, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) that Highland Mary Mines, Inc., of Kansas City, Missouri, licensee for major Project No. 1901, on Cunningham Creek in San Juan County, Colorado, has filed application for extension from December 31, 1947, to December 31, 1950, of the time specified in the license for the project for completion of repair of the breach in the project main dam.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before January 6, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10759; Filed, Dec. 8, 1947;
8:46 a. m.]

[Project No. 1473]

MONTANA POWER Co.

NOTICE OF ORDER DETERMINING ACTUAL
LEGITIMATE ORIGINAL COST AND PRESCRIB-
ING ACCOUNTING THEREFOR

DECEMBER 4, 1947.

Notice is hereby given that, on December 3, 1947, the Federal Power Commission issued its order entered December 2, 1947, determining actual legitimate original cost and prescribing accounting therefor in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10777; Filed, Dec. 8, 1947;
8:42 a. m.]

[Docket No. G-873]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER PROVIDING FOR EMERGENCY
DELIVERY OF NATURAL GAS TO WAYNES-
BURG HOME GAS COMPANY

DECEMBER 3, 1947.

Notice is hereby given that, on December 2, 1947, the Federal Power Commission issued its order entered December 2, 1947, requiring Texas Eastern Transmission Corporation to establish a connection with facilities of Waynesburg Home Gas Company and to deliver 700,000 cubic feet of natural gas per day until April 30, 1948, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10769; Filed, Dec. 8, 1947;
8:46 a. m.]

[Docket No. G-943]

SINCLAIR PRAIRIE OIL Co.

NOTICE OF FINDING UPON APPLICATION FOR
STATUS DETERMINATION

DECEMBER 3, 1947.

Notice is hereby given that, on December 3, 1947, the Federal Power Commission issued its finding entered December 2, 1947, upon application for status determination, that the Sinclair Prairie Oil Company will not be a "natural gas company" within the meaning of the Natural Gas Act in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10761; Filed, Dec. 8, 1947;
8:46 a. m.]

[Docket No. E-6100]

TELLURIDE POWER Co.

NOTICE OF ORDER AUTHORIZING AND APPROV-
ING ISSUANCE OF BONDS

DECEMBER 3, 1947.

Notice is hereby given that, on December 3, 1947, the Federal Power Commission issued its order entered December 3, 1947, authorizing and approving issuance of bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10763; Filed, Dec. 8, 1947;
8:46 a. m.]

**INTERSTATE COMMERCE
COMMISSION**

[S. O. 336, Special Permit 394]

RECONSIGNMENT OF LETTUCE AT CHICAGO,
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 393 (10 F. R. 15003), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago,

Ill., December 2, 1947, by Harry Finerman, of car PFE 43065, lettuce, now on the Chicago Produce Terminal to Champaign, Ill.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued in Washington, D. C., this 2d day of December 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10772; Filed, Dec. 8, 1947;
8:47 a. m.]

[S. O. 396, Special Permit 365]

RECONSIGNMENT OF POTATOES AT CHICAGO,
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Wood Street Chicago, Ill., December 2, 1947, by Barney Potato Co., of car PFE 62172, potatoes, now on the CNW to Krause Produce Company, Muskegon, Michigan (Pere Marquette)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued in Washington, D. C., this 2d day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10773; Filed, Dec. 8, 1947;
8:47 a. m.]

[S. O. 396, Special Permit 366]

RECONSIGNMENT OF TOMATOES AT
PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted

for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, December 2, 1947, by Justman Frankenthal, of car PFE 14080, tomatoes, now on the PRR to Justman Frankenthal, New York City (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10774; Filed, Dec. 8, 1947;
8:47 a. m.]

[S. O. 796]

UNLOADING OF STEEL AT COLUMBIA, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of December A. D. 1947.

It appearing, that 3 cars containing steel at Columbia, South Carolina, on the Atlantic Coast Line Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Steel at Columbia, S. C., be unloaded.* The Atlantic Coast Line Railroad Company, its agents or employees, shall unload immediately PRR 440400, PRR 34882, PRR 440131, steel, now on hand at Columbia, S. C., consigned order notify Plowden Lumber Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., December 5, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon re-

ceipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; and that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-10779; Filed, Dec. 8, 1947;
8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1026]

REPUBLIC PICTURES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 2d day of December A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, 50¢ Par Value, of Republic Pictures Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to January 6, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10784; Filed, Dec. 8, 1947;
8:46 a. m.]

[File No. 7-1027]

TWENTIETH CENTURY-FOX FILM CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 2d day of December A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, Without Par Value, of Twentieth Century-Fox Film Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to January 6, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10765; Filed, Dec. 8, 1947;
8:47 a. m.]

[File No. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP.
(DELAWARE)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 1st day of December 1947.

The Commonwealth & Southern Corporation ("Commonwealth") a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the proposed payment of a dividend of \$3.00 per share or an aggregate of \$4,323,741 on the outstanding shares of its preferred stock, payable on the 28th day after the date of the order of the Commission permitting the payment of such dividend or on January 2, 1948, whichever date is later, to stockholders of record at the close of business on the 10th day after the date of such order (or if such 10th day is not

a business day, the first business day following such 10th day) or on December 12, 1947, whichever date is the later; and

The Commission having heretofore instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the act with respect to Commonwealth and its subsidiaries; and

Commonwealth having filed a plan for compliance with such sections of the act, providing, among other things, for the liquidation of Commonwealth; and

Commonwealth having stated in the instant declaration that "The Board . . . recognizes that, in view of the pending proceedings, the 'Earned Surplus' account may be so qualified that under the rules and practice of the Commission, payment of said dividend is subject to the requirement of Commission authorization under the provisions of section 12 (c) of the act and Rule U-46 in spite of the fact that, as authorized by section 34 of the Delaware General Corporation Law, the source of payment of such dividend under such Law is Commonwealth's net profits for the current and preceding fiscal year" and

The instant declaration having been filed on November 18, 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming that it would not be necessary or appropriate to deny effectiveness to the declaration under the standards of section 12 (c) of the act and Rule U-46 if it should be found that the proposed payment were to be made out of capital and that, therefore, it is unnecessary for the Commission to determine whether said proposed payment is being made out of capital; and

The Commission therefore deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective insofar as section 12 (c) and Rule U-46 are applicable to the proposed payment; and

Commonwealth having requested that the Commission's order be issued herein on or before December 1, 1947, and become effective forthwith, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith, provided, however, that this order shall not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code, and provided further that Commonwealth accompany the dividend checks with a statement to the effect (1) that Commonwealth filed the declaration regarding the proposed dividend payment pursuant to section 12 (c) and Rule U-46 by reason of its uncertainty as to whether the "Earned Surplus" account may be so

qualified, under the rules and practice of the Commission, that payment of the proposed dividend is subject to the requirement of Commission authorization under the act and the rules thereunder and that the Commission permitted the declaration to become effective without determining whether the proposed payment is being made out of capital and (2) that the Commission's action in permitting the declaration to become effective should not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10765; Filed, Dec. 8, 1947;
8:46 a. m.]

[File No. 70-1655]

CENTRAL MAINE POWER CO.

ORDER GRANTING APPLICATION AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 1st day of December A. D. 1947.

Central Maine Power Company ("Central Maine") a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, requesting an exemption from the provisions of section 6 (a) of the act with respect to the issuance and sale of \$4,000,000 principal amount of First and General Mortgage Bonds, Series P due 1977, and 160,000 shares of additional common stock, \$10 par value. The bonds and common stock are proposed to be sold pursuant to the competitive bidding requirements of Rule U-50, subject to the shares of common stock being offered to the holders of the company's outstanding 6% preferred stock and common stock for subscription in accordance with their preemptive rights (New England Public Service Company has waived its preemptive rights) the proceeds from the sale of the securities being used by the company to pay its presently outstanding short-term notes, to meet the balance of the estimated cash requirements and to reimburse its treasury for amounts expended in the purchase and construction of property and facilities used in the company's business, and for other corporate purposes; and

A public hearing having been held on said application, as amended, after appropriate notice, and the Commission having examined the record and having made and filed its findings and opinion herein;

It is ordered, That said application, as amended, be and the same hereby is, granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional conditions:

(1) That the proposed issuance and sale of bonds and common stock by Cen-

tral Maine shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose; and

(2) That jurisdiction be reserved with regard to the payment of all legal fees incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10766; Filed, Dec. 8, 1947;
8:47 a. m.]

[File No. 70-1668]

UNITED GAS IMPROVEMENT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Philadelphia, Pennsylvania, on the 1st day of December 1947.

The United Gas Improvement Company ("UGI") a registered holding company, having filed a declaration, pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, with respect to the transactions summarized below:

The Philadelphia Gas Works Company ("PGW") all of whose capital stock is owned by UGI, operates the Philadelphia Gas Works properties owned by the City of Philadelphia, under an operating agreement dated October 5, 1938, as amended, which provides, among other things, for the furnishing of sufficient working capital by PGW to meet the needs of the operation of the Philadelphia Gas Works, without interest or any other charge until December 31, 1947.

On October 31, 1947, UGI and PGW jointly notified this Commission, pursuant to paragraph 3 of section (b) of Rule U-45, promulgated under the act, that on October 30, 1947, UGI advanced to PGW to meet the latter's emergency requirements, the sum of \$1,000,000 in cash without interest on open book account for the period ending December 31, 1947.

It is stated that the advance was made so as to provide additional working capital to PGW necessitated by the large increase in the cost of labor, materials, and supplies, the increased volume of business done by Philadelphia Gas Works, and its present program of making additions, extensions, betterments and improvements estimated to total \$7,500,000, such funds to be supplied by the City of Philadelphia, pursuant to various ordinances and agreements, under which PGW is obligated, however, to make expenditures prior to securing reimbursement from the city.

UGI and PGW now propose that the advance of \$1,000,000 made by UGI to PGW on October 30, 1947 be continued subsequent to December 31, 1947, such advance to bear interest at the rate of 6% from January 1, 1948, which is the same rate of interest PGW is to receive from the Philadelphia Gas Works, as provided in paragraph (3) of clause 7 of the operating agreement referred to above.

Said declaration having been filed on October 31, 1947 and the last amendment thereto having been filed on November 5, 1947, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not ordered a hearing thereon; and

The Commission finding with respect to the said declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and further deeming it appropriate to grant the request of the declarant that the order entered herein become effective by December 1, 1947:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10783; Filed, Dec. 8, 1947;
8:46 a. m.]

[File No. 70-1671]

CAMBRIDGE ELECTRIC LIGHT CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 1st day of December 1947.

In the matter of Cambridge Electric Light Company, Cape & Vineyard Electric Company, New Bedford Gas and Edison Light Company and New Hampshire Gas and Electric Company, File No. 70-1671.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act") by Cambridge Electric Light Company ("Cambridge") Cape & Vineyard Electric Company ("Cape & Vineyard") New Bedford Gas and Edison Light Company ("New Bedford") and New Hampshire Gas and Electric Company ("New Hampshire") each of which is a subsidiary of New England Gas and Electric Association, a registered holding company. Applicants have designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than December 15, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after December 15, 1947, said joint application, as filed or as amended, may be approved as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Each applicant proposes, from time to time, to issue and sell at principal amount its unsecured promissory note to The First National Bank of Boston ("Bank") The proposed joint loan agreement to be entered into between the applicants and the Bank provides that at any time prior to December 31, 1949, upon three days' notice, the Bank will lend to each company aggregate amounts as follows:

Cambridge.....	\$2,818,000
Cape & Vineyard.....	950,000
New Bedford.....	6,250,000
New Hampshire.....	350,000

The proceeds of the notes will be used for additions and betterments of the property of each company except that (a) \$165,000 of the proceeds of \$950,000 to be received by Cape & Vineyard, will be used to refund an existing bank debt in the same principal amount due December 30, 1947, and which bears interest at 2% per annum; and (b) \$1,750,000 of the \$6,250,000 to be received by New Bedford will be used to refund an existing bank debt in the same principal amount due January 3, 1950, and which bears interest at 2% per annum.

Each borrowing will be evidenced by a promissory note which will mature December 31, 1952. Notes issued in 1947 and 1948 will bear interest at the rate of 2¼% per annum, and notes issued in 1949 will bear interest at the rate of 2½% per annum except that (a) notes issued by Cambridge on or before March 31, 1948, in an aggregate amount not in excess of \$1,750,000 will bear interest at 2% per annum, and (b) notes issued by New Bedford for the retirement of its existing bank debt of \$1,750,000 will bear interest at 2% per annum.

Applicants state that the proposed issue and sale of the notes of Cambridge, Cape & Vineyard, and New Bedford are subject to the jurisdiction of the Department of Public Utilities of Massachusetts and the proposed issue and sale by each company has been expressly approved by that department. Applicants also state that the proposed issue and sale of the notes of New Hampshire are subject to

the jurisdiction of the Public Service Commission of New Hampshire and that a copy of the order of that Commission approving the issue and sale will be filed as an amendment. Applicants state that no other commission, other than this Commission, has jurisdiction over the proposed transactions.

Applicants request the Commission to enter an order so as to permit the consummation of the proposed transactions at an early date and that the order become effective on the date of its issuance.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10786; Filed, Dec. 8, 1947;
8:46 a. m.]

[File No. 70-1677]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 1st day of December 1947.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by General Public Utilities Corporation ("GPU") a registered holding company. Declarant has designated sections 6, 7 and 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than December 12, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after December 12, 1947 said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes from time to time, prior to March 31, 1948, to transfer cash funds in an aggregate amount of \$1,100,000 to its subsidiary, Rochester Gas and Electric Corporation ("Rochester") which company will employ such funds for construction requirements. Rochester will initially credit the funds received from GPU to a deferred credit account. In the event that Rochester consummates certain financing (with respect to which legal proceedings are now pending

in the courts of New York, wherein, among other things, Rochester proposes to issue additional shares of new common stock to GPU) such transferred funds will be applied in part payment for the new common stock. In the event Rochester does not issue additional shares of new common stock in connection with such financing, such funds will constitute unrestricted capital contributions.

GPU also proposes to extend the time of payment for one year from April 3, 1948 of 80% of the principal amount of its Series B notes then outstanding. As at November 13, 1947, the aggregate principal amount of such Series B notes was \$960,000.

Declarant states that the transactions are not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order so as to permit GPU to commence the transfer of funds to Rochester not later than December 12, 1947.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10783; Filed, Dec. 8, 1947;
8:46 a. m.]

[File No. 70-1631]

MILWAUKEE SOLVAY COKE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 1st day of December A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Milwaukee Solvay Coke Company ("Solvay") a non-utility subsidiary of Milwaukee Gas Light Company, a utility subsidiary of American Light & Traction Company ("American Light") a registered holding company. Declarant designates sections 6 and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person, may not later than December 12, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issue of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon; that such request should be addressed: Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and that on or at any time after December 12, 1947 said declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement

of the transactions therein proposed which are summarized as follows:

Solvay proposes to borrow from the Marine Exchange National Bank of Milwaukee, Wisconsin, the sum of \$275,000 and to issue to the bank ninety day notes bearing interest at the rate of 1½% per annum. The application states that the proceeds of the said loan, together with certain other loans heretofore made in the amount of \$225,000, will be used to finance the coal purchases and to maintain working capital necessary to carry the company's operations through the first quarter of 1948.

It is stated that no regulatory agency other than the Commission has jurisdiction over the proposed transactions.

Declarant requests that the Commission's order with respect to the proposed transactions become effective immediately upon issuance thereof and that such order issue not later than December 12, 1947.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10781; Filed, Dec. 8, 1947;
8:46 a. m.]

[File No. 70-1633]

NARRAGANSETT ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 3d day of December A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Narragansett Electric Company ("Narragansett"), a subsidiary of New England Electric System, a registered holding company. Declarant has designated section 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than December 15, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after December 15, 1947, said declaration, as filed, or as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file with this Commission for a statement of the transaction therein proposed which is summarized as follows:

Narragansett proposes from time to time (but in any case within one year

from the effective date of its declaration) to borrow from commercial banks or trust companies to be selected by it an aggregate amount not to exceed \$6,500,000 to be evidenced by unsecured promissory notes with a maturity of not more than one year from their respective dates. It is stated that the proposed notes will bear interest, or be discounted, at the prevailing rates for such notes, but not to exceed 1¼% per annum. Narragansett proposes to use the proceeds derived from said loans to finance temporarily its construction program through May 31, 1948, and to retire its presently outstanding notes in the amount of \$3,000,000. The declaration further states that no State Commission and no other Federal Commission has jurisdiction over the proposed bank borrowings and requests that this Commission issue its order permitting the declaration to become effective prior to December 20, 1947.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10764; Filed, Dec. 8, 1947;
8:47 a. m.]

DEPARTMENT OF JUSTICE Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10086]

CHRISTINE COOK

In re: Estate of Christine Cook, deceased. File No. D-28-11581, E. T. sec. 15798.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the heirs of Hans Peter Lund, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Christine Cook, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Hiram Dutton, Executor, acting under the judicial supervision of the District Court of Grundy County, Iowa,

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10789; Filed, Dec. 8, 1947;
8:47 a. m.]

— [Vesting Order 10087]

LUISE EMILIE DIETERICH

In re: Estate of Luise Emilie Dieterich, deceased. File D-28-12043; E. T. sec. 16257.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Dieterich and Otto Dieterich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the issue, names unknown of Karl Dieterich and the issue, names unknown, of Otto Dieterich, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Luise Emilie Dieterich, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Thomas W. Firby, as Executor, acting under the judicial supervision of the Superior Court of San Francisco County, California;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the issue, names unknown, of Karl Dieterich, and the issue, names unknown of Otto Dieterich are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10790; Filed, Dec. 8, 1947;
8:47 a. m.]

[Vesting Order 10089]

VALENTINE GREENWALD

In re: Estate of Valentine Greenwald, deceased. File No. D-28-11972; E. T. sec. 16166.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Klara Rieps (Rless), Otto Wilz, August Wilz and Richard Wilz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Valentine Greenwald, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by B. J. Glindmeyer, as executor, acting under the judicial supervision of the County Court of Kenton County, Kentucky;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10791; Filed, Dec. 8, 1947;
8:47 a. m.]

[Vesting Order 10090]

HENRY C. GRODEWALD

In re: Estate of Henry C. Grodewald, also known as Henry Grodewald, deceased. File No. D-28-11884; E. T. sec. 16073.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Grodewald and Adolph Fedderwitz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Henry C. Grodewald, also known as Henry Grodewald, deceased, and in and to the Trust created under the Will of Henry C. Grodewald, also known as Henry Grodewald, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Christopher Grodewald, as Executor, acting under the judicial supervision of the Surrogate's Court of King's County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10792; Filed, Dec. 8, 1947;
8:48 a. m.]

[Vesting Order 10091]

FLORA RICHARD HERMANN

In re: Estate of Flora Richard Herrmann, deceased. File No. D-28-9520; E. T. sec. 12920.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Leidenberg, whose last known address is Germany, is a resident of Germany, and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the Estate of Flora Richard Herrmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by City Bank Farmers Trust Company, as Executor, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10793; Filed, Dec. 8, 1947;
8:48 a. m.]

[Vesting Order 10203]

WALTER SCHILLING ET AL.

In re: Debt owing to and stock owned by Walter Schilling and debt owing to Walter Schilling and others. F-20-551-A-1, F-20-551-D-1, F-20-420-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Schilling, whose last known address is Dornfeld, near Bremen, Germany, is a resident of Germany and

a national of a designated enemy country (Germany)

2. That the personal representatives, heirs, next of kin, legatees and distributees of Th. Monnich, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That the property described as follows:

a. That certain debt or other obligation of A. DeWitt Alexander, 1550 Russ Building, San Francisco, California, in the amount of \$39.12, as of December 31, 1945, arising out of certain funds received by said A. DeWitt Alexander as agent of Heinrich Ploghoft and Wilhelm Bormann, Bremen, Germany, executors of the Estate of Margarethe Anna Schilling nee Hinternhoff, also known as Mrs. Gretchen Schilling, deceased, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

b. Five hundred three (503) shares of no par value common capital stock of Pacific Lighting Corporation, 433 California Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificate number B1256, registered in the name of Walter Schilling and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F26233 entitled Export-Liquidation: A. G., Berlin, Germany—Customers Account for Custody, together with all declared and unpaid dividends thereon, and

c. Sixty-seven (67) shares of no par value common capital stock of Pacific Lighting Corporation, 433 California Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificate number SFO 52121, registered in the name of Th. Monnich, as life tenant, with remainder interest to Walter Schilling and presently in the custody of A. DeWitt Alexander, 1550 Russ Building, San Francisco, California,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Walter Schilling, the aforesaid national of a designated enemy country (Germany)

4. That the property described as follows: That certain debt or other obligation of Pacific Lighting Corporation, 433 California Street, San Francisco, California, arising out of declared and unpaid dividends on the sixty-seven (67) shares of its no par value common capital stock described in subparagraph 2c above, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Walter Schilling and the personal representatives, heirs, next of kin, legatees and distributees of Th. Monnich, deceased,

the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

5. That to the extent that Walter Schilling and the personal representatives, heirs, next of kin, legatees and distributees of Th. Monnich, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10794; Filed, Dec. 8, 1947;
8:48 a. m.]

[Vesting Order 10210]

KNOLL A. G., CHEMISCHE FABRIKEN

In re: Patent and contract interests of Knoll A. G., Chemische Fabriken, Ludwigshafen am Rhine, Germany.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Knoll A. G., Chemische Fabriken is a corporation organized under the laws of Germany, whose principal place of business is located at Ludwigshafen am Rhine, Germany, and is a national of a foreign country (Germany)

Patent No.	Date	Inventor	Title
1,956,950	5/1/34	Gustav Hildebrandt and Alfred Klavehn.....	Manufacture of Laevo-1-Penly-2-Methylamine-propanol-1.

B. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Knoll A. G., Chemische Fabriken by virtue of an agreement dated March 1, 1938 (including all modifications thereof and supplements thereto, if any) by and between Knoll A. G., Chemische Fabriken and Merck & Co., Inc., which agreement relates, among other things, to United States Letters Patent No. 1,956,950,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany)

All determinations and all action required by law, including appropriate con-

2. That the property described as follows:

A. All right, title and interest (including all acerued royalties and all damages and profits-recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10796; Filed, Dec. 8, 1947;
8:49 a. m.]